

CHAPTER 12. LANDSCAPING, BUFFERYARD, PARK AND OPEN SPACE STANDARDS

1201. LANDSCAPING STANDARDS

The developer shall provide and maintain landscaped areas within all developments according to the standards of this Code.

1201.1 Definitions

- (1) Diameter: Average diameter of the tree measured four (4) feet above the ground level.
- (2) Landscape development: Trees, shrubs, ground cover, vines or grass installed in planting areas, having a minimum of ten (10) square feet of actual plantable area and a minimum inside dimension on any side of eighteen (18) inches.
- (3) Canopy tree: Any self-supporting woody plant with one (1) well-defined trunk and a distinct and definite formed crown that attains a height of at least thirty (30) feet at maturity.
- (4) Non-canopy tree: Any self-supporting woody plant with one or more trunks that attains a height of at least fifteen (15) feet at maturity.
- (5) Shrub: A woody perennial plant differing from a perennial herb by its more woody stem and from a tree by its low stature and habit of branching from the base.
- (6) Groundcover: A spreading plant, including sods and grasses less than eighteen (18) inches in height, used for erosion control.

1201.2 Landscaping required

- (1) If a Developer proposes to erect a building or structure, the Building Official shall not issue a permit (development, building, occupancy) unless the Developer meets the following criteria:
 - (a) a minimum of ten (10) percent of the lot is devoted to landscape development; and
 - (b) a minimum of eighteen (18) diameter inches of canopy trees are provided per acre and; and
 - (c) a minimum of ten (10) percent of the required landscape development of (a) above shall be developed with non-canopy trees and shrubs.

- (2) If a developer proposes to enlarge a building or development constructed before August 18, 1981, the Building Official shall not issue a permit (development, building, occupancy) for such expansion unless the building site is landscaped. The Developer shall landscape the building site in accordance with Section 1201.2(1) above; provided, however, such landscaping need not exceed the percentage increase in gross building area of the building.

$$\frac{\text{(Gross Building Area New)}}{\text{(Gross Building Area New and Existing)}} \times \text{(required landscaping Section 1201.2 if site was new)} = \text{landscaping required for expansion of building constructed before *August 18, 1981}$$

1201.3 Required distribution of landscaping

- (1) Landscaping required under Section 1201.2 shall be equally dispersed according to the following criteria:

- (a) Adjacent to Building Area

$$\frac{\text{s.f. building}}{\text{s.f. lot}} \times 10\% \text{ of lot} = \text{Minimum required landscape development adjacent to building area}$$

- (b) Parking and Drives

$$\frac{\text{(s.f. of required parking \& drives)} \times 10\% \text{ of lot}}{\text{(s.f. of lot)}} = \text{Minimum required landscape development interior to parking area.}$$

s.f. = square foot

- (c) Other Areas - The remaining landscaping requirements shall be equally dispersed in remaining area of development.

- (d) The Building Official may waive the distribution requirements for fifty percent (50%) of the canopy trees required in Section 1201.2(1)(b) to preserve existing trees, provided:

- 1) the trees designated for preservation meet the tree classification system for trees identified for preservation as established by City Council on July 11, 1989; and
- 2) the planting areas and protection of the trees are as specified in Section 1201.6(1)(a) and 1201.6(1)(b) of this Code.

- (2) Should the developer choose to exceed the required parking requirements, the landscaping required interior to the parking area shall be based on the required

parking as follows;

$$\frac{\text{s.f. of proposed parking \& drives}}{\text{No. proposed parking spaces}} \times \frac{\text{required parking spaces}}{\text{s.f. of lot}} \times 10\% \text{ of lot} = \text{Min Required landscaping development interior to parking area.}$$

1201.4 Landscape maintenance and planting area

- (1) Each canopy tree planted under Section 1201.2(b) shall be in a planting area whose radius is not less than six (6) feet measured from the tree trunk to the near edge of the landscaped area.
- (2) All canopy tree plantings shall be encompassed with an approved curb barrier to prevent access by vehicular traffic.
- (3) Every development shall employ either an irrigation or sprinkler system or have a hose connection within one hundred fifty (150) feet of all landscaping.
- (4) The Developer shall maintain and protect landscaped areas and shall replace all dead landscaping within forty-five (45) days after notification by the Building Official. The Building Official may, however, extend the replacement period based upon seasonal consideration. Replacement plantings shall be equal to the types of plantings proposed on the landscape development plan.
- (5) Section 1201.2 shall not be construed to reduce landscape requirements for site landscaped after August 18, 1981. The area of any site devoted to landscaping and required under Section 1201.2(1) shall not be reduced by any building expansion or development.
- (6) Nothing in this section shall be construed to require an owner that expands a building to landscape more than ten (10%) percent of the site.

1201.5 Landscape development within setback areas

Landscape development areas within the setback areas of a site and next to a public street shall be considered doubled when finding the minimum requirements of this section.

1201.6 Credits; Minimum requirements

The developer may reduce the minimum required landscaping to seven and one half percent (7.5%) where the conditions specified below occur.

- (1) Trees that are newly planted or already established and growing shall receive credit against the landscape requirements as follows:

- (a) 12 inches or greater diameter, 20 square feet per inch of diameter;
 - (b) 3 to 12 inches, 10 square feet per inch of diameter;
 - (c) less than 3 inches, no credit.
- (2) This credit shall be in addition to the planting area in which the tree is contained provided;
 - (a) No tree shall be considered as a credit unless it is in a planting area whose least dimension is the radius of the crown spread of the tree measured from the trunk center, unless a landscape architect or arborist says in writing that the proposed area is sufficient; in no case, however, shall the building official give credit for a tree with a planting area less than a radius of six (6) feet measured from the tree trunk to the near edge of the landscaped area.
 - (b) If, during construction of any structure or other improvements related thereto, the owner, contractor or any of their agents or employees, place solvent, materials, construction machinery, or temporary soil deposits within six (6) feet, or the radius of the crown spread, as defined above, whichever is greater, of any tree used for credit, then the Building Official shall disallow the credits for such trees.
- (3) The Building Official shall allow a ten percent (10%) credit off the total square footage and/or tree requirement for sites where an irrigation or sprinkler system is provided for the entire landscaped area.

1201.7 Landscaping instead of off-street parking

The Building Official may credit any landscape development over the ten (10) percent minimum requirement against off-street parking requirements up to a maximum reduction in off-street parking of ten (10) percent (see Chapter 13); provided, however, that the Developer shall provide at least one one (1) inch tree in the landscaped area for every parking space eliminated.

1201.8 Visibility triangles and sight distances

- (1) When a driveway intersects a public right-of-way or when the subject property abuts the intersection of two (2) or more public rights-of-way, all landscaping within the site triangle (see Section 604.3) shall provide unobstructed cross visibility at a level between three (3) and eight (8) feet. Trees having over eight (8) feet of clear trunk with limbs and foliage trimmed in such a manner as to not extend into the cross visibility area shall be allowed, provided there is no traffic hazard.
- (2) A Developer or owner shall maintain landscaping in such a manner as not to

obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or to obstruct or interfere with the view of the driver of approaching, emerging or intersecting traffic or to prevent a traveler on any street from obtaining a clear view of approaching vehicles for a distance of two hundred fifty (250) feet along the street.

1201.9 Exemptions

The provisions of preceding sections of this chapter shall not apply to the downtown district (see Section 402.2).

1201.10 Trees in public rights-of-way

A person commits an offense if he removes or destroys a tree in the street right-of-way or in any public place without first obtaining a permit from the City Manager.

1202. BUFFER STANDARDS

A buffer is a specified land area together with the planting and landscaping required on the land. A buffer may also contain a barrier, such as a berm or a fence, where such additional screening is necessary to achieve the desired level of buffering between various activities.

1202.1 Purpose

Requirements are set forth in this section for the provision of buffers between certain land uses. City Council intends that these buffer requirements reduce nuisances between adjacent land uses or between a land use and a public road by separation of land uses through a required buffer. Such nuisances may include dirt, litter, noise, lights, signs, unsightly buildings or parking areas. Buffers provide spacing to reduce potentially adverse impacts of noise, odor, or danger from fires or explosions.

1202.2 General standards

(1) Location and design

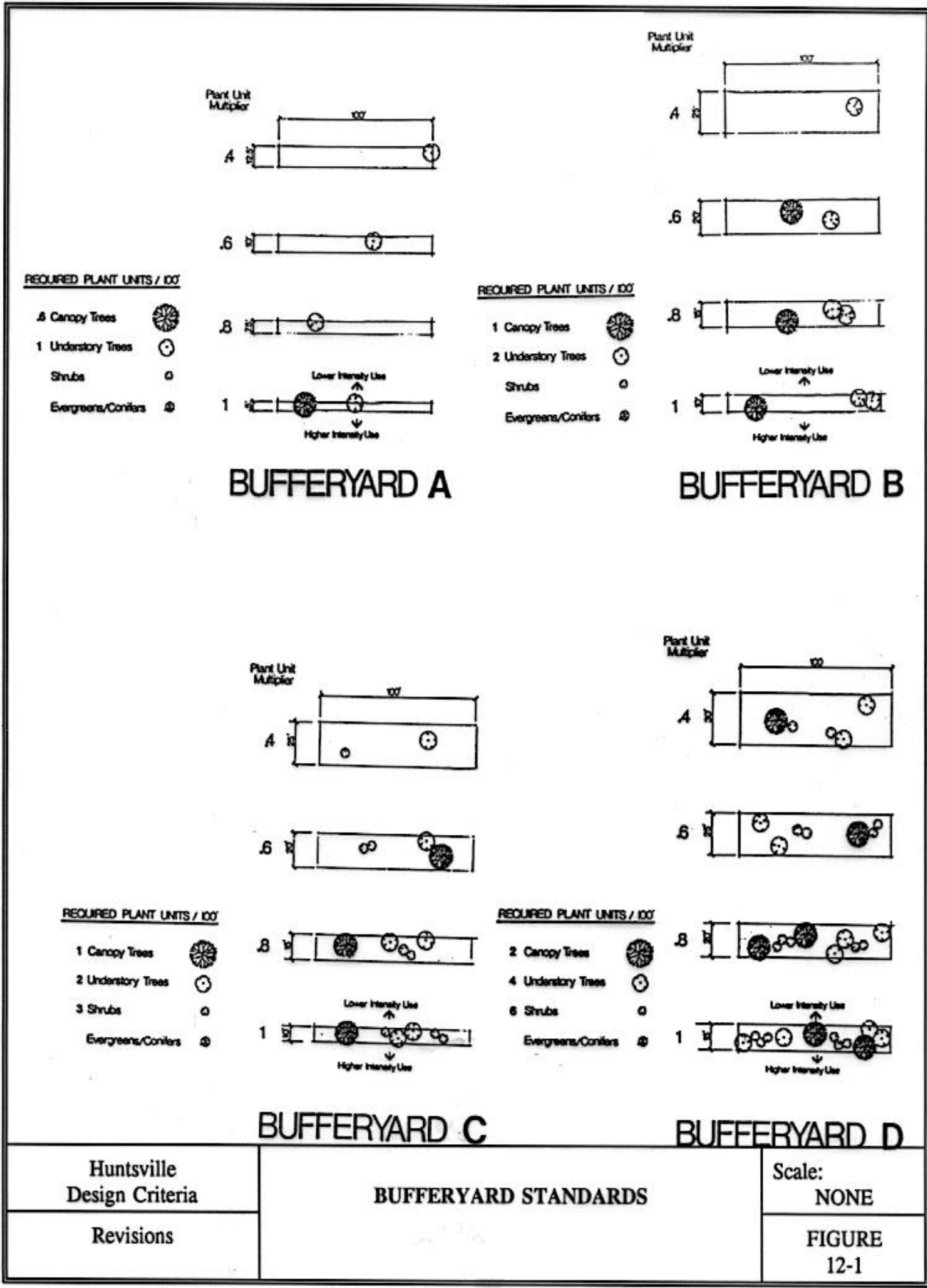
The Developer shall locate buffers on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. The Developer shall not locate buffers on any existing, dedicated, or reserved public or private street or right-of-way, or easements.

TABLE 12-1
LAND USE INTENSITY STANDARDS

CLASS	LAND USE	DENSITY	ESTIMATED TRIPS GENERATED PER ACRE PER 24 HOUR PERIOD	
			<u>MINIMUM</u>	<u>MAXIMUM</u>
1	Agriculture	-	-	-
	Undeveloped	-	-	-
2	Single Family Residential	Low	2	70
	Two Family Residential	Low	4	100
3	Multi-family Residential	Low		125
	Commercial	Low		499
	Office	Low		499
4	Multi-family Residential	Medium		185
	Commercial	Medium	500	999
	Office	Medium	500	699
	Industrial	Low	200	499
5	Multi-family Residential	High	150	-
	Commercial	High	1,000	-
	Office	High	700	-
	Industrial	Heavy	500	-

TABLE 12-2
BUFFERYARD REQUIREMENTS

LAND USE CLASS	ADJACENT EXISTING LAND USE CLASS				
	1	2	3	4	5
1	-	-	-	-	-
2	-	-	-	-	-
3	-	A	-	-	-
4	-	C	A	-	-
5	-	D	B	B	-



(2) **Use of buffers**

A buffer may be used for some forms of passive recreation; it may contain pedestrian, bike, or equestrian trails, provided that:

- (a) No plant material is eliminated
- (b) The total width of the buffer is maintained.
- (c) All other regulations of the Code are met.

With written permission of the City and full compliance with standards of chapter 10, a required buffer may include a stormwater retention area. In no event, however, shall the following uses be allowed in buffers: playfields, stables, swimming pools, tennis courts, or similar active recreation uses.

(3) **Ownership of buffers**

Buffers shall remain in the ownership of the original owner (and assigns) of a lot or development. Buffers may be subjected to deed restrictions and subsequently be freely conveyed. They may be transferred to any consenting grantees, such as adjoining landowners, or an open-space or conservation group, provided that any such conveyance adequately guarantees the protection of the buffer for the purposes of this Code.

(4) **Maintenance**

The owner of a bufferyard provided according to this code shall provide adequate maintenance of the bufferyard to ensure survival of the plantings. In the event that any of the plantings do not survive, the Developer or owner shall replace them.

1202.3 Bufferyard standards

The developer shall provide bufferyards between two conflicting land use classes according to the following procedure.

- (1) Identify the land use class of the proposed use by referring to Table 12-1: LAND USE INTENSITY CLASSES.
- (2) Identify the land use class of the adjacent land uses by referring to Table 12-1: LAND USE INTENSITY CLASSES.
- (3) Where the proposed land use intensity class of the subject lot conflicts with a land use class of an adjacent lot(s) (i.e. the two lots are in different land use classes), bufferyards shall be provided.
- (4) To find the appropriate bufferyard, compare the proposed land use intensity class of the

subject lot with the adjacent land use intensity class as shown in Table 12-2: BUFFERYARD REQUIREMENTS.

- (5) The bufferyard standards designated in Table 12-1 are shown in Figure 12-1. The standards provide alternatives with multipliers for required plant units per 100 feet.
- (6) Existing plant material or fences may be counted as contributing to the total bufferyard requirement. The bufferyards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining bufferyards.

1202.4 Land use intensity standards

For non-residential lots, the intensity of development shall be based upon the estimated traffic generation over a twenty-four hour period of the land use. The developer shall calculate the estimated traffic generation rate based on a factor of five times the required number of off-street parking spaces as established in Table 13-1 of this code; provided, however, that the developer may substitute average trip generation data from the Institute of Traffic Engineers (ITE) based on the maximum allowable development of the site or actual traffic count data from comparable land uses. Where a developer uses actual traffic count data, the count shall:

- (1) be made at comparable developments based on density, scale bulk, area, functional class of abutting streets, specific land use category or other measures of comparison.
- (2) be made at two (2) or more locations of comparable developments.
- (3) Counts shall be made by a recording traffic counter. Personal observation is not acceptable.
- (4) Counts shall be made for seven (7) consecutive days or longer at each location.

1202.5 Exemptions

Bufferyard requirements shall not apply in the following circumstances:

- (1) Between adjacent lots within the Downtown District.
- (2) Between conflicting land uses where the more intense land use is first in time.

1203. PARKS, PLAYGROUNDS AND OPEN SPACE AREAS

1203.1 Dedication

The developer of residential lots shall dedicate land for park uses at locations designated in the comprehensive plan or otherwise where such dedications are appropriate at a rate of one (1) acre per one hundred (100) dwelling units or ten percent (10%) of the total development (as shown on the preliminary plat) whichever is less up to a maximum of six (6) acres dedicated for park and recreational purposes. A maximum of fifty percent (50%) of the dedicated area may be dedicated as open space. The developer may dedicate the area in stages if the development contains two or more phases. The developer shall show the area marked on the final plat as DEDICATED FOR PARK, OPEN SPACE AND RECREATION PURPOSES.

1203.2 Money instead of Land

(1) Variance required

The Planning Commission may grant a variance from the requirement to provide parkland at the time of preliminary plat approval if the Commission determines that the dedication of park land, as required in Section 1203.1, is an undue hardship on the development or that the tract size is inadequate for park and/or recreational purposes and a park site is available within one-half (1/2) mile of the development. Where the Commission grants a variance, the developer shall deposit with the City, before final plat approval, a cash payment instead of land dedication. The developer shall deposit with the City a sum of money equal to the current assessed value of the required park land in the development according to the Walker County Appraisal District based on the prorated amount of land required for the proposed park in Section 1203.1.

(2) Neighborhood Park and Recreation Improvement Fund

Such deposit shall be placed in a Neighborhood Park and Recreation Improvement Fund established by the City Council. With City Council approval, the City shall use the deposit for improvement and/or acquisition of a neighborhood park, playground or recreation area. With City Council approval, the City shall use the deposit for facilities that will be actually available to and benefit the persons in said development and be located within one-half (1/2) mile of the development. If, within eighteen (18) months, the City has not purchased the land for a neighborhood park, playground or recreation area or improved an existing facility within one-half (1/2) mile of the development, the City shall reimburse the developer the full cash payment made instead of land dedication.

1203.3 Quality of park site

The developer may, with concurrence of the Planning Commission, make extensive improvements or provide recreational facilities as desired. The developer shall dedicate land for recreation purposes of a character and location suitable for use as a playground, playfield, or for other recreation purposes. The recreation site shall be relatively level and dry with a total frontage on

one (1) or more streets of at least two hundred (200) feet in depth and no other dimension of the site shall be less than one hundred (100) feet in depth. The developer, with the Commission's permission, may locate the tract at a suitable place on the periphery of the development, so a more usable tract will result when additional park land is obtained when adjacent land is developed.

1203.4 Open space

The developer may dedicate open space areas in partial fulfillment of the requirements in Section 1203.1. Open space shall include all land and water dedicated as a means to conserve land and other natural resources or for historic or scenic purposes not required to be dedicated elsewhere. Areas dedicated for open space uses may include, but not be limited to, sites that:

- (1) present existing or potential hazards such as earth slippage or subsidence or other geological hazards;
- (2) may be in danger of flooding from stormwater runoff;
- (3) preserve or protect scenic sites;
- (4) provide a buffer between incompatible land uses.

1203.5 Credit for private parks and recreational areas

If the developer provides private open space for park and recreational purposes and such space is to be privately owned and maintained by the future residents of the development, such areas shall be credited against the requirement of dedication for park and recreational land provided that the following standards are met:

- (1) that yards, court areas, setbacks and other open spaces required in developments are not included in the computation of such private open spaces;
- (2) that the private ownership and maintenance of the open space is adequately provided for by written agreement; and
- (3) that the use of the private open space is restricted for park and recreational purposes by recorded covenants that run with the land in favor of the future owners of property within the development.